

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,	)	
	)	
Plaintiff,	)	
	)	C. A. No. 05-486 (GMS)
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
THE TORO COMPANY,	)	
	)	
Defendant.	)	

**STIPULATION AND ORDER EXTENDING THE DEADLINE TO FILE  
OPENING MARKMAN BRIEFS**

**WHEREAS**, the current scheduling order (entered 2/7/06) provides the following deadlines concerning claim construction:

July 14, 2006: Parties exchange claim terms to be construed

July 21, 2006: Parties file joint claim chart

July 28, 2006: File Opening Briefs

August 18, 2006: File Answering Briefs

September 19, 2006: Markman hearing

**WHEREAS**, under the current schedule there is only one week between the filing of the joint claim chart and the deadline for preparing and filing opening briefs but three weeks provided for the preparation and filing of responsive briefs.

**WHEREAS**, both parties would like to have two weeks to prepare their opening Markman brief and two weeks to prepare their responsive brief, which can be accomplished by extending by one week the deadline for filing opening briefs.

**WHEREAS**, the parties do not seek an extension of the the date the Court would receive the answering briefs and the date of the Markman hearing.

**IT IS HEREBY STIPULATED AND AGREED**, by and between counsel for the parties hereto, subject to the approval of the Court, that the deadline for filing opening Markman briefs is extended to August 4, 2006, and the remaining dates in the Scheduling Order remain unchanged.

THE BAYARD FIRM

POTTER ANDERSON & CORROON  
LLP

By: /s/ Edmond D. Johnson  
Edmond D. Johnson (#2257)  
Peter B. Ladig (#3513)  
THE BAYARD FIRM  
222 Delaware Ave., Suite 900  
Wilmington, DE 19801  
(302) 655-5000  
[tjohnson@bayardfirm.com](mailto:tjohnson@bayardfirm.com)  
[pladig@bayardfirm.com](mailto:pladig@bayardfirm.com)

*Attorneys for Plaintiff  
Textron Innovations Inc.*

By: /s/ Richard L. Horwitz  
Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, Delaware 19899-0951  
(302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

*Attorneys for Defendant  
The Toro Company*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

---

United States District Judge